



SECTION: 122

TITLE: STUDENT RECORDS

NESHAMINY SCHOOL DISTRICT

1	GENERAL	Student records are an inherent part of a student's formal education in a	1
2	POLICY	setting. They are used by authorized personnel to collect, maintain, and	2
3	STATEMENT	disseminate pertinent information.	3
4			4
5		Student records are confidential and to be used under restrictions set by	5
6		federal and state law. Therefore, this policy pertaining to the collection of	6
7		data, maintenance of student records, and the dissemination of information	7
8		was developed. All staff and employees of the Neshaminy School District	8
9		will abide by these policies.	9
10			10
11		Definitions - the following words and phrases as used shall have, unless the	11
12	CONFIDENTIALITY	text indicates otherwise, the following meanings:	12
13	DEFINITIONS	<u>Destruction</u> - the physical destruction or permanent removal of personally	13
14		identifying data from a student's education records so that the information in	14
15		those records are no longer personally identifiable.	15
16			16
17		<u>Education Records or Record</u> - records which relate to the identification,	17
18		placement, programming, and termination of an exceptional student who	18
19		receives or has received special education and related services from the	19
20		Neshaminy School District and who is enrolled or has been enrolled in a	20
21		program of special education operated by the Department of Education.	21
22			22
23		<u>Education Agency or Agency</u> - Neshaminy School District and any	23
24		component part thereof which collects, maintains, or uses an exceptional	24
25		student's education records containing personally identifiable information;	25
26		an	26
27		approved private school and any component thereof which, with regard to	27
		an	
		exception student who is enrolled in the approved private school as an	

28		approved placement student, collects, maintains, or uses the exceptional	28
29		student's education records containing personally identifiable information;	29
30		the Department of Education and any component thereof to the extent that	30
31		the Department collects, maintains, or uses an exceptional student's	31
		education	
32		records containing personally identifiable information.	32
33			33
1		POLICY 122 (con't)	1
2	Definition's	<u>Directory Information</u> - Includes the following information relating to a	2
3	Continued	student - the student's name, address, telephone number, date and place of	3
4		birth, participation in school clubs, activities, sports, weight and height of	4
5		members of athletic teams, dates of attendance, degrees and awards	5
		received,	
6		the most recent previous education institution or agency attended by the	6
7		student, school district of residence, parent, or guardian, program attended	7
8		and dates, reason for termination, grades, and other educational support	8
9		services provided.	9
10			10
11		<u>Former Student</u> - The Neshaminy School District, may, without parental	11
12		consent, release information from the education records of an individual no	12
13		longer enrolled in the Neshaminy School District if the information is	13
14		directory information.	14
15		?? Personally identifiable information may be included in the information	15
16		released under this subsection so long as personally identifiable	16
17		information falls within the categories included in the definition of	17
18		directory information.	18
19		?? If the individual re-enrolls in the Neshaminy School District as a student	19
20		any further release of directory information by the Neshaminy School	20
21		District shall be accomplished in accordance with the provisions of this	21
22		section if those provisions had not been satisfied during the period	22
23		of previous enrollment.	23
24			24
25		<u>Present Student</u> - The Neshaminy School District may, without parental	25
26		consent, release personally identifiable information from the education	26
		records	
27		of a student who enrolled in the Neshaminy School District if that	27
		information	
28		has been designated as directory information under the procedures state in	28
29		Designation of Directory Information section.	29
30			30
31		<u>Designation of Directory Information</u> - If the Neshaminy School District	31
32		wishes to designate directory information, public notice shall be given of:	32
33		?? the categories of personally identifiable information which the	33
		Neshaminy	
34		School District has designated as directory information.	34
35		?? the right of the parent of the student to refuse to permit the designation	35

36		of any or all of the categories of personally identifiable information with	36
37		the respect to that student as directory information.	37
38		?? the fact that the parent of the student may prevent the release by the	38
39		Neshaminy School District of personally identifiable information	39
40		designated as directory information, if, within 30 days of the publication	40
41		of	41
42		the public notice, the parent informs the agency in writing that such	42
43		personally identifiable information is not to be designated as directory	43
44		information with respect to that student.	44
45		<u>Publication of Public Notice</u> - The publication of public notice under	45
46		Designation of Directory of Information section may be accomplished by	46
47		mailing the notice to the parent.	47
48			48
49			49
1		POLICY 122 (con't)	1
2	Section 1376	<u>Dual Enrollment</u> - For the purpose of this section, a student either enrolled	2
3	Public School	under the provisions of section 1376 of the Public School Code of 1949 (24	3
4	Code 1949	P.S.	4
5	(24 P.S. S 13	S 13-1376) in an approved private school or enrolled in the Scranton State	5
6	1376)	School for the Deaf shall be considered to be also enrolled in his/her school	6
7		district of residence.	7
8		<u>Personally Identifiable</u> - The date or information includes the name of a	8
9		student or the name of any of the student's family members; the address of	9
10		the student; a personally identifying piece of information such as the	10
11		student's	11
12		telephone number or social security number; a list of those personal	12
13		characteristics which would make the student's identity easily traceable by a	13
14		person who was not already familiar with the student's identity; or other	14
15		information which would make the student's identity easily traceable.	15
16		<u>Release</u> - The giving of access, or the transfer, disclosure, or communication	16
17		of the student's education records (in whole or in part) which contain	17
18		personally identifiable information to any party by any means.	18
19			19
20		<u>Student</u> - Any exceptional school-age person or preschool pupil with respect	20
21		to whom an educational agency maintained education records.	21
22			22
23		<u>Student Access Rights</u> - Whenever a student has attained eighteen years of	23
24		age or is attending an institution of post-secondary education, the rights	24
25		accorded to and the consent required of the parent of the student shall	25
26		thereafter only be accorded to and required of the student.	26
27			27
28	PARENT		28

29	ACCESS	The Neshaminy School District, upon request of the parent, shall permit the	29
30	RIGHTS	parent to inspect, review, or copy any education record relating to the	30
31		parent's	31
32		exceptional child or children with respect to the identification, evaluation,	32
33		educational placement of the child, and the provision of a free, appropriate	33
34		public education to the child when such record is collected, maintained, or	34
35		used by the Neshaminy School District. The Neshaminy School District shall	35
36		comply with the request without unnecessary delay but no later than 45 days	36
37		after such request is received. The request will be compiled with prior to a	37
38		conference regarding an individualized education program and prior to a	38
39		hearing relating to the identification, evaluation, or placement of the child.	39
40		Neshaminy School District may presume that the parents have authority	40
41		to inspect and review records relating to their child unless the District has	41
42		been advised that the parent does not have the authority under applicable	42
43		State law governing such matters as guardianship, separation, and divorce.	43
44		The right to inspect, review, or copy education records includes:	44
45		?? the right of a parent to request of and receive from the Neshaminy School	45
46		District a reasonable explanation and interpretation of information	46
47		contained in the child's education records;	47
48			48
49			49
1		POLICY 122 (con't)	1
2		?? the right of a parent to be provided, on request, with a copy of all or	2
3		part	3
4		of the child's education records if failure to provide these copies would	4
5		effectively prevent the parents from exercising their rights to inspect and	5
6		review the records.	6
7		?? the right of a parent to designate a representative who will inspect,	7
8		review,	8
9		or copy the records.	9
10		If a parent requests copies of education records from the Neshaminy School	10
11		District, the Neshaminy School District will not charge the parent unless	11
12		excessive copies are requested. Reasonable cost may then be charged. No	11
		cost will be charged to a parent if such cost would effectively prevent the	12

22	??	their request to inspect, review, copy, or receive copies of education	22
23		records.	23
24	??	their designation or a representative.	24
25	??	their request for a list.	25
26			26
27		If any education record includes information on more than one child, the	27
28		parents of those children shall have the right to inspect and review or copy	28
29		only the information relating to their child or be informed of that specific	29
30		information relating only to their child. Prior to the parent receiving a	30
31		requested copy of a record on more than one child, the Neshaminy School	31
32		District shall delete, remove, or conceal (from the record or its copy) all	32
33		personally identifiable information concerning any child who is not the	33
34		parents.	34
35			35
36		Whenever a student has attained 18 years of age or is attending an	36
37		institution	
38		of post-secondary education, the right accorded to and the consent required	37
39		of	
40		the student's parent shall thereafter only be accorded to and required of the	38
41		student.	39
42	ACCESS		40
43	RECORDS	The Neshaminy School District shall keep a record of all parties who have	41
44		obtained access to the education records of the child. This record will	42
		include	
		the name of the party, the date access was given, and the purpose for which	43
		the party was allowed to use the records. The access record will include	44

15		The Neshaminy School District will maintain a current list of the names and	15
16		position of those employees who are authorized to have access to the	16
17		student's	17
18		education records. The following titles of persons eligible to have access to	18
19		the student's educator records without consent are:	19
20		?? Neshaminy School District Superintendent, Assistant Superintendents,	20
21		and Administrative Assistant to the Superintendent.	21
22		?? Appropriate Neshaminy School District administrators assigned to	22
23		district	23
24		offices.	24
25		?? Neshaminy School District Director of Pupil Personnel Services.	25
26		?? Appropriate Neshaminy School District building administrators.	26
27		?? Appropriate Neshaminy School District special education teachers and	27
28		mainstreaming teachers.	28
29		?? Appropriate Neshaminy School District diagnostic and consultative staff	29
30		and support personnel.	30
31		?? Appropriate Neshaminy School District secretaries.	31
32	MAINTENANCE		32
33	RECORDS	The Superintendent of the Neshaminy School District and his/her official	33
34		designees shall be responsible for ensuring that the education records'	34
35		confidentiality policies and procedures are enforced and administered by:	35
36		?? Annually notifying parents of the Neshaminy School District's policies	36
37		regarding student education records and the parent's rights under both	37
38		Pennsylvania and Federal Law concerning the confidentiality of education	38
39		records of exceptional students. This will be done by annual notice in the	39
40		local newspapers and the school district newsletter.	40
		?? Safeguarding the confidentiality of personally identifiable information by	

Neshaminy School District.

Destruction

?? Education records containing information necessary for education of a student in an education program operated by the Neshaminy School District shall not be destroyed.

?? Prior to the destruction of personally identifiable information in the student's records which is no longer relevant to and necessary for the provision of educational services to the student, the Neshaminy School District shall send written notification to the parents or to the student who

has attained the age of eighteen years, which shall inform the parent or the student of their right to receive a copy of the material to be destroyed.

?? Upon the parent's request, information no longer relevant to and necessary

for the provision of educational services to the student must be destroyed by the Neshaminy School District. However, Directory Information must be maintained for at least one hundred years beyond the date the student attains the age of twenty-one.

?? Nothing in this section shall be construed to mean that the Neshaminy School District is required to destroy education records.

**RELEASE OF
INFORMATION**

Parental Consent Required- Written parental consent shall be obtained by the Neshaminy School District before education records are released to any party unless the student has attained the age of eighteen years.

Parent Consent Not Required- Parental consent shall not be required to release education records when:

?? Such release is authorized by the federal and state law.

?? The Neshaminy School District and Intermediate Unit 22 are sharing education information.

?? The information released is Directory Information and the release is made under the condition specified in Section 341.68 of 22 Pennsylvania Code CH. 341.

?? The agency releasing the information or records is an approved private school and the agency receiving the information or records is the Neshaminy School District, the student's Intermediate Unit, or the Department of Education, and if the receiving agency has requested the information in order to review, reevaluate, or monitor the student's placement, educational progress, or enrollment status at the approved private school, or to comply with reporting requirements of the State or Federal government in connection with its audit of the school district, I.U., state, or federal funds.

?? The agency requesting the information or record is a school district in which the student is enrolled or seeks to be enrolled.

1		POLICY 122 (con't)	1
2	RELEASE	If, under this section, parental consent is required for release of information,	2
3	EXPLANATION	prior to requesting consent the Neshaminy School District shall provide the	3
4		parent with a written explanation which shall include, when possible, a	4
5		description of the information or record to be released, the form of the	5
6		release, the reason the release was requested, the party of agency requesting	6
7		the release, and the party or agency to whom the release is to be made.	7
8			8
9		If an approved private school in which the student is enrolled is requested by	9
10		the Neshaminy School District to release information from the student's	10
11		records, the approved private school shall comply within seven days of the	11
12		receipt of the request in accordance with state standards.	12
13			13
14		If a school district in which the student is enrolled or seeks to be enrolled	14
15		requests information from the student's education record, the Neshaminy	15
16		School District shall comply within seven days of the receipt of the request.	16
17			17
18		When the Neshaminy School District receives a request for education records	18
19		from another agency, the Neshaminy School District shall send education	19
20		records to the requesting agency.	20
21			21
22	PARENT'S	<u>Request to Amend</u> - A parent who believes that information in the	22
23	REQUEST FOR	education	23
24	AMENDMENT	records of their child is inaccurate, or misleading, or violates the privacy or	24
25	OF RECORDS	other rights of the child, may request the Neshaminy School District to	25
26		amend	26
27		the information.	27
28			28
29		The Neshaminy School District may require that a parental request for	29
30		amendment of a student's record be made in writing and contain a brief	30
31		statement which specifies the records to be amended and the reason the	31
32		amendment is requested.	32
33			33
34		The Neshaminy School District shall decide whether to amend the	34
35		information	35
36		in accordance with the parent's request within forty-five days after the	36
37		receipt	37
38		of the request to amend.	38
39			39
40		If the Neshaminy School District decides to refuse to amend the information	40
41		in accordance with the parent's request, the Neshaminy School District shall	41
42		inform the parent in writing of both the refusal and the specific reasons for	42
		the refusal, and shall notify the parent in writing of the right to request and	
		receive a hearing.	
		<u>Records Hearing</u> - The Neshaminy School District shall, on parental request,	

43	provide the parent with an opportunity for a hearing to challenge	43
44	information	
45	in their child's education records if the parent alleges that such information is	44
46	inaccurate, misleading, or otherwise in violation of the privacy or other	45
47	rights of the child. The hearing shall be conducted according to the	46
48	following	
49	provisions:	47
1		48
2	POLICY 122 (con't)	49
3	<u>Records Hearing (con't)</u>	1
4	?? The hearing shall be held at a mutually agreed upon time and place	2
5	within	3
6	30 days after the Neshaminy School District receives the request for a	4
7	hearing from the parent.	5
8	?? The parent shall be notified in writing of the date, place, and time of the	6
9	hearing no later than five days in advance of the hearing.	7
10	?? The hearing shall be conducted by a party who does not have a direct	8
11	interest in the outcome of the hearing.	9
12	?? The party conducting the hearing may be an official of the Neshaminy	10
13	School District.	11
14	?? The parent shall be afforded a full and fair opportunity to present	12
15	evidence	
16	relevant to the issues in this section.	13
17	?? The parent may, at the hearing, be assisted or represented by persons of	14
18	his or her choice at his or her expense. Such persons may include legal	15
19	counsel.	16
20		17
21	<u>Decision After Hearing</u> - The Neshaminy School District shall render a	18
22	written decision on the issues presented at the hearing within 30 days after	19
23	the	
24	conclusion of the hearing. The decision shall be based solely upon evidence	20
25	presented at the hearing and shall include a summary of the evidence and	21
26	the	
27	reasons for the decision.	22
28		23
29	<u>Decision to Amend</u> - If, as a result of the hearing, the Neshaminy School	24
30	District decides that the information is inaccurate, misleading, or otherwise	25
31	in violation of the privacy or stated rights of the student, it shall amend the	26
32	education records accordingly and so inform the parent in writing.	27
		28
	<u>Decision Not to Amend</u> - If, as a result of the hearing, the Neshaminy	29
	School	
	District decides that the information is inaccurate, misleading, or otherwise	30
	in violation of the privacy or other rights of students, it shall inform the	31
	parents of their right to place in the student's education record a statement	32

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RSM/ms

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which sets forth the parent's written comments about the information in the education records of their reasons for disagreeing with the decision of the Neshaminy School District.

?? The parent's statement shall be appended by the Neshaminy School District to the education records so long as the record or the contested portion thereof is maintained by the Neshaminy School District.

?? If the education records of the student or the contested portion thereof is released by the Neshaminy School District to any party, the parent's statement shall also be released to the party.

Nothing in this section shall be interpreted to mean that the parent and the Neshaminy School District may not, by mutual agreement, meet prior to either a parent request for a hearing or the hearing itself in order to discuss the parent's concerns regarding the accuracy or inaccuracy of the student's records.

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